

**REMARKS**

**I. Preliminary Matters**

Regarding the objection to the Information Disclosure Statement, Applicant refers the Examiner to the paper filed on October 26, 2009 in the USPTO. In particular, English language Abstracts were submitted with each of the cited foreign references. Such Abstracts constitute the requisite Concise Statement of Relevance. The foreign Office Action was merely submitted as a courtesy to the Examiner. No further submission is required.

In addition, Applicant has amended the specification and claim 1 for clarification and/or grammatical reasons. No new matter has been added.

**II. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 5,499,670 to Billieres (“Billieres”) and EP 0 448 905 to Sandstrom et al. (“Sandstrom”)**

The Examiner has rejected claims 1-3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Billieres and Sandstrom.

**A. Claim 1**

Without conceding to the Examiner’s position, Applicant has incorporated the allowable subject matter of claim 5 into claim 1. Accordingly, the rejection of claim 1 is now moot.

**B. Claims 2 and 3**

Applicant submits that claims 2 and 3 are patentable at least by virtue of their dependency.

### **III. Allowable Subject Matter**

As set forth above, the Examiner has indicated that claims 5 and 6 contain allowable subject matter. Since claim 5 has been incorporated into claim 1, Applicant has canceled claim 5 without prejudice or disclaimer. Also, Applicant has rewritten claim 6 into independent form.

### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Allison M. Tulino/

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: January 15, 2010

---

Allison M. Tulino  
Registration No. 48,294